

United States District Court

MAY 11 2016

SOUTHERN

DISTRICT OF

TEXAS

McALLEN DIVISION

Clerk of Court

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

/ David Saenz

Principal

United States

Case Number:

YOB: 1977

M-16-0902-M

2 Brenda Guadalupe Perales-Martinez

Co-Principal

the United Mexican States

YOB: 1986

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about May 9, 2016 in Hidalgo County, in the Southern District of Texas defendants(s) did,
(Track Statutory Language of Offense)

knowing or in reckless disregard of the fact that Danna Geraldina Aguilar-Calderon and Cosme Alexis Dubon-Ramirez, citizens and nationals of Honduras, and Estilmer Geovanni Perez-Ruano, a citizen and national of Guatemala, along with thirty-four (34) other undocumented aliens, for a total of thirty-five (37), who had entered the United States in violation of law, concealed, harbored or shielded from detection or attempt to conceal, harbor, or shield from detection such aliens in any place, including any building or means of transportation,

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(iii)
I further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:

On April 26, 2016, information was received pertaining to possible stash trailer in Edinburg, Texas. A material witness from a 2 on 2 Criminal Alien Smuggling Case originating from Falfurrias, Texas provided the information of a male subject named David Saenz who was in charge of the stash house in a trailer park. Material witness provided the location of the trailer park where he was kept prior to being apprehended. (NOTE: Throughout the narrative, 1721 North McColl Road, Lot#179 Edinburg, Texas will be stated as target location.)

After research was conducted, Lot # 179 was found to be used by David Saenz. On April 27, 2016, Border Patrol Agents (BPA) C. Combs and H. Cerda conducted surveillance on the target location and observed a blue Lincoln MKZ sedan and gold GMC sports utility vehicle at the target location.

SEE ATTACHED

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

OK to file, TST

Signature of Complainant

Israel Perez Senior Patrol Agent

Printed Name of Complainant

Sworn to before me and subscribed in my presence,

5/11/2016

Date

at McAllen, Texas

City and State

Dorina Ramos, U. S. Magistrate Judge
Name and Title of Judicial Officer

Signature of Judicial Officer

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-16-0902-M

**RE: David Saenz
Brenda Guadalupe Perales-Martinez *et al***

CONTINUATION:

On April 29, 2016, Border Patrol Agents assigned to the Field Intelligence Team (FIT) Unit provided information to the South Texas Corridor McAllen Area Joint Targeting Team (JTT) Agents regarding a vehicle with links, Maria De Jesus PARRA-Rocha. FIT Agents advised that they found the vehicle at 1721 N. McColl Road Lot#179. FIT Agents stated that at the location lived a known stash house care taker identified as David Saenz.

On May 9, 2016, at approximately 9:00 a.m., Agents E. Ruiz and F. Elizondo along with JTT agents began mobile surveillance at 1127 N. McColl Rd, Edinburg, Texas. At approximately 12:00 p.m. BPA Cantu observed a blue sedan arrive at the target location and an unknown female exited the vehicle and walked inside. Moments later, Agent Cantu advised that a male subject entered into a GMC Denali bearing temporary license plates registered to Maria De Jesus Parra-Rocha. The same female that had arrived earlier in the sedan also boarded the GMC Denali. Agent Cantu also observed the male subject walk outside the mobile home with two excessively large trash bags and proceeded to drive to a trash container. Subject disposed of the bags and proceeded to exit the mobile home park.

JTT Agents continued mobile surveillance on the vehicle and followed at a distance. The vehicle was then followed to the Hidalgo County Jail, where the male subject walked into the visitor center where he remained for approximately 15 minutes. After departing the County jail, JTT Agents continued to follow the vehicle at distance and observed it turning westbound on Monte Cristo Road. The vehicle then made an immediate stop off the shoulder of Monte Cristo. Agents J. Castillo and Pina then observed the GMC Denali from a distance turn southbound on Conway from Monte Cristo. Agents J. Castillo and Pina observed a marked Texas Department of Public Safety Trooper making contact with the driver of the GMC Denali since the vehicle had once again made an immediate stop along the road and activated its hazard lights. At this time, Agents made an approach in an attempt to identify the occupants of the vehicle. As Agents J. Castillo and R. Pina were approaching the vehicle, DPS Officer Ray was talking to a male subject standing outside the vehicle.

During the brief interview, agents were able to identify the driver of the GMC Denali as David Saenz. David Saenz had been previously identified as a stash house care taker on a previous administrative smuggling cases. Due to this information, SAENZ was asked where he resided, and stated he resided at 1721 N. McColl Rd, Edinburg, Texas. BPA Salinas asked SAENZ if he had anything illegal at his residence, and responded that he did not. SAENZ was asked if he was willing to give consent to search his residence to what SAENZ responded yes. Before SAENZ signed the consent form, he verbally stated that he was holding undocumented aliens and his residence. SAENZ then admitted that there were approximately 38 undocumented aliens at his residence located at 1721 N. McColl Rd, Edinburg, Texas.

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CONTINUATION:

Agent Salinas proceeded to make contact with the female passenger who was believed to be Maria De Jesus PARRA-Rocha, since she is the registered owner of the vehicle. Agent Salinas then determined that the passenger of the vehicle was in fact Brenda Guadalupe PERALES-Martinez, a citizen and national of Mexico, and not PARRA-Rocha. PERALES told agents she did not have any legal documentation to remain in the United States legally. During questioning, she stated that she was at location dropping off a vehicle that she had borrowed from SAENZ. When asked if she knew if there were any undocumented aliens she replied that she had no knowledge.

Border Patrol Agents along with HSI Special Agent I. Garza Jr. approached the target location and a knock was initiated at the front door, but no one answered. A key of the front door was provided by SAENZ, and the front door was opened. A search of the trailer resulted in a total of 37 undocumented aliens.

All subjects were transported to the McAllen Border Patrol Station for interview and case preparation.

PRINCIPAL STATEMENTS:

David SAENZ and Brenda Guadalupe Perales-Martinez were read their Miranda Rights, stated they understood their rights and was willing to provide a sworn statement without the presence of an attorney.

PRINCIPAL STATEMENT: David Saenz

David SAENZ stated that he departed his trailer today with a friend of his wife named Brenda and three children. SAENZ claims he knew he was being watched by law enforcement and expected to be pulled over shortly after leaving his residence. He stated that he pulled over the side of the road after noticing that he was being followed by a Department of Public Safety officer. A DPS Trooper approached him and a short time later, plain-clothed agents approached him and asked him if he was keeping anything in his house. SAENZ freely admitted that he was harboring approximately thirty-five to thirty-eight undocumented immigrants in his trailer. SAENZ admitted to being paid \$30 dollars per person/per day for harboring the undocumented aliens at his trailer. SAENZ also admitted to providing food and water to the undocumented aliens while they were being kept at his residence.

NOTE:

On April 11, 2012, David Saenz was convicted of 8 USC 1324 Transporting Aliens and was sentenced to four (4) months confinement and two (2) year SRT.

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CONTINUATION:

Co-PRINCIPAL STATEMENT: PERALES-Martinez, Brenda Guadalupe

Brenda Guadalupe Perales-Martinez, a citizen and national Mexico illegally in the United States, stated she was called by David Saenz and asked her for help taking care of his 5 children while his wife was in the County Jail. Perales stated she would watch over the children at David's house while he was gone. Perales stated that she did notice two women making sandwiches in the kitchen and male subject approached her asking for a charger and Gatorade. Perales told the man she did not know how much the Gatorades cost so she gave him one and told him to ask David how much he owed. Perales told agents that David also had a curtain blocking off the hallway leading to the rooms but she could hear people behind the curtain and saw about 7 people. She further told agents she suspected David was harboring illegal aliens but did not ask questions. Perales believed Saenz was only holding ten (10) people and was surprised to see nearly forty (40) when she was taken to David's house by the DPS Trooper. When approached by DPS she was accompanying David to the Hidalgo County Jail to deposit money for his wife.

MATERIAL WITNESS STATEMENTS:

Danna Geraldina Aguilar-Calderon, Cosme Alexis DUBON RAMIREZ and Estilmer Geovanni PEREZ-Ruano were read their Miranda Rights, stated they understood their rights and was willing to provide a sworn statement without the presence of an attorney.

MATERIAL WITNESS STATEMENT: AGUILAR-Calderon, Danna Geraldina

Danna Geraldina Aguilar-Calderon, a citizen and national of Honduras, stated that she crossed the river illegally on May 6, 2016 and was to pay \$4,500 dollars once reaching her final destination of Houston, Texas. After entering into the United States, Aguilar stated she was driven to a stash house then to a gas station; where a black truck picked her up to transport her to the stash house where she was arrested. Upon her arrival to the stash house a man approached the vehicle and asked her to enter the house. She was able to identify the man who approached her and escorted her into the house as David Saenz through a photo lineup. Aguilar claims Saenz ordered her to go in a room at the end of the hall and asked her to provide her name and phone number. Saenz wrote her information in a ledger. Aguilar stated she was the first person in the house and witness a total of 37 more people arrive during her four days in the stash house. She further stated a woman would arrive at the house and brought food to them. Aguilar identified, through a photo lineup, Brenda Guadalupe Perales Martinez as the female who dropped off food at the house. She claims that Perales told them to stay quiet and not leave the house so the neighbors would not alert immigration or the police officers.

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CONTINUATION:

MATERIAL WITNESS STATEMENT: DUBON-Ramirez, Cosme Alexis

Cosme Alexis Dubon-Ramirez, a citizen and national of Honduras, stated he illegally entered into the United States on May 7, 2016 and had paid \$3,700 US Dollars to be smuggled to Houston, Texas. DUBON was to pay an additional \$3,800 US Dollars once he arrived in Houston, Texas. After crossing the Rio Grande River, Dubon stated his group changed vehicles multiple times before arriving at the house where he was apprehended with 37 other UDAs. DUBON claims he spent only one night at the residence. Dubon was able identified, through a photo lineup, David Saenz and Brenda Guadalupe PERALES-Martinez as the caretakers of the stash house where he was encountered. DUBON stated that David Saenz and Brenda Guadalupe Perales-Martinez would be in charge of feeding the group of 37 UDAs at the residence. DUBON was told to be quiet and not to attract too much attention to the house and was also instructed to write his name and phone number on a notepad when he arrived.

MATERIAL WITNESS STATEMENT: PEREZ-Ruano, Estilmer Geovanni

Estilmer Geovanni PEREZ-Ruano, a citizen and national of Guatemala, stated he illegally entered in the United States on May 6, 2016 near Matamoros, Mexico. Perez stated he was to pay \$7,500 USD to be smuggled to Colorado. After entering into the United States, Perez stated he was driven to different location before a black truck picked him up to transport him to the stash house where he was arrested. PEREZ was able to identify David SAENZ and Brenda Guadalupe PERALES-Martinez as the caretakers of the residence where he was encountered through photo lineups. Both SAENZ and PERALES would receive the UDAs upon arrival at the house and would feed and sell them junk food. PEREZ-Ruano advised that SAENZ threatened him on one occasion after he requested something to eat. SAENZ threatened Perez by telling him that he would be taken to Mexico if he would ask for food again.